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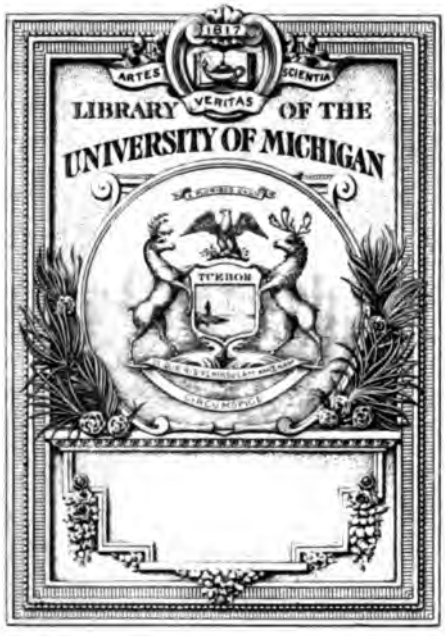
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# METHODS

OF

# PENAL ADMINISTRATION IN THE UNITED STATES.

*Notes of a Personal Enquiry, February and March*, 1904.

BY

EDWARD GRUBB, M.A.

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# METHODS of PENAL ADMINISTRATION

IN THE

# UNITED STATES.

*Notes of a Personal Enquiry, February and March*, 1904.

IN the course of eight weeks it is quite impossible to obtain anything like an adequate view of so multifarious a subject as American penal administration. In a vast Union, where each State has its own laws and institutions,—where some States are progressive and others backward; where one will spend money freely in trying to reform its criminals, while another thinks chiefly of their labour as an important source of revenue for the State; where some have experimented largely in trying substitutes for imprisonment, while others adhere to ancient methods, — the conditions vary so greatly that it is impossible in a few sentences to summarise one's impressions of the whole. The best method of conveying to others some of those impressions will be to deal consecutively with the chief classes of institutions visited, and the methods of administration which they illustrate.

## PRISONS.

The prisons of the United States are good and bad; there is no such uniformity as is found in England, where all are under one centralised management. I saw many varieties, from the palatial edifice that is being constructed by the Federal Government near Atlanta, Georgia, to the miserable dens that are still thought good enough for petty misdemeanants, and persons awaiting trial, in that and other Southern cities.

The entrance of an enquirer into these institutions is much more easy, as a rule, than with us. I had only to ask to see the Warden (the Governor, as we term him,) to be shown in at once; and mention of the Howard Association generally ensured a cordial welcome and unstinted kindness. The pains taken to facilitate my enquiry, by Wardens and other officials, far exceeded my power of verbal thanks.

It is characteristic of American life that the relations between officers and prisoners are, as a rule, more human than in English prisons. There is, indeed, in many quarters an absence of the outward tokens of respect, and almost a tone of *camaraderie* in the address of a prisoner to an officer, and even to the Warden himself, which with us would be thought to indicate bad discipline. But it is not so there; and these more human relations, if discipline is maintained, appear to me wholly good. There is probably no need for the martinet-like manner assumed by some English Governors, especially when

they are retired military officers. Soldiers are less often appointed to these posts than in England, and, even when the Warden has been in the army, there is less difference between soldier and civilian than with us.

### Labour Laws.

One of the difficulties the authorities have to contend with, especially in the Eastern States, is found in Labour Laws, which make it no easy matter to keep the prisoners employed. In New York State the law absolutely forbids the sale of goods made by prison labour. In Pennsylvania, and some other States, it is ordered that not more than a certain small percentage of the labour a Warden has available must be directed to any one industry. Consequently, prisoners are not infrequently kept in compulsory idleness, or the wasteful method is adopted of destroying a good part of what they produce. Manufacture of articles for the use of the State is carried on to a certain extent, but this apparently is not so well organised as it might be, and in Pennsylvania it appears hardly to be attempted.

Such labour difficulties appear to be the logical result of the theory of Protection. These laws are due, of course, to the cry of manufacturers and workmen to be protected, in their own trades, from the competition of prison labour. These claimants tend to overlook the fact that, if the taxpayers' money were not taken from them and wasted by supporting men in idleness or at useless work, the spending of it would add to the demand for

goods, and therefore to the demand for labour; and that the demoralisation of character which ensues from idleness is likely to cause permanent trouble and expense to the community.

I have shown elsewhere* that, if care is taken in regard to prices, so that private firms shall not be undersold, there is no harm or injustice done to free labour by the competition of prison-made goods. If, for political or other reasons, the State authorities think themselves unable to resist the cry for protection, they should at least do all in their power to organise prison labour for State account—a method by which the competition with free labour is made less obvious, and in which there is no fear of glutting the market with unsaleable goods. It is neither just nor expedient that the curse of idleness should be imposed upon those who have gone astray, and for whose support society makes itself responsible.

## State Prisons.

The State Prisons visited were those of Massachusetts at Charlestown (Boston), the Pennsylvania Eastern Penitentiary at Philadelphia, the Maryland Penitentiary at Baltimore, and the Indiana State Prison at Michigan City. Of Southern prisons I propose to speak later on.

The prison at *Charlestown* (Boston) is an old one, part

**Prison Industries*; a Pamphlet issued by the Howard Association in 1903. (Will be sent on application to the Secretary.)

of it dating from 1804. The cells in this part have been thrown together, two being made into one, and the windows have been greatly enlarged. Only since 1860 have the blocks been warmed in winter. The cells I saw were very neat, some of them being quite tastefully ornamented by the prisoners—a practice which is encouraged.

The records show only about 11 per cent. of previous convictions, but here, as elsewhere in America, the information available in regard to previous sentences *served in other prisons* is extremely imperfect. Arrangements are being made, I understand, for the keeping of national records, available for the use of every State. This appears a very necessary reform.

Schooling at Charlestown is carefully applied to illiterates, and with the best results. I was informed by the Warden, General Bridges, that in eleven years he has only known *one* man return to prison after going through the school. A monthly magazine (*The Mentor*) is run by the prisoners, being mimeographed and not printed, and in connection with it correspondence classes are held.*

The industries, such as weaving, stocking-making, tailoring, shoemaking and saddlery, are conducted with

*I have just received a pamphlet, entitled "The Story of a Revelation," giving a very lively account of these correspondence classes, which have now been working nearly two years. Teachers as well as scholars are for the most part prisoners, but teachers and scholars do not know each other. The work appears to have been extremely successful. No prisoner is compelled to join a class, but about half have voluntarily done so.

a minimum of machinery in order to make the work go as far as possible.

I was shown the chair in which the capital sentence is carried out by electricity. Happily it is but seldom used.

The *Eastern Penitentiary* (Philadelphia) is a large stone-walled building in the northern part of the city The "separate system" was very early adopted here, contrary to the usage of most American prisons. The cells were made of large size, each with a yard attached for exercise. When the number of prisoners increased beyond the capacity of the building, the practice was adopted of placing two (or even three) prisoners in each cell—a plan which appears to have most of the drawbacks, and few of the benefits, of both association and separation. The place appeared to be in poor condition and the management somewhat loose. It is, however, fair to the present able Warden, Mr. Joseph Byers, to state that he had only very recently been appointed, and that serious trouble had occurred under the previous Warden. Probably the institution needs remodelling altogether, and it is to be hoped the Inspectors will face the task. It might well be removed some miles out of the city, where land could be obtained at moderate cost.

Those prisoners who were at work at all were mostly employed in their cells at stocking-knitting, the weaving of prison cloth, cigar making, and other simple hand trades. The appliances used are primitive, the looms having been correctly described by a visitor as

"heir-looms." The dietary is not administered on scientific principles, and there appears to be some waste of food.

The *Maryland State Penitentiary*, in Baltimore, is a very different institution. The building is comparatively new, handsome and well-proportioned. At the time of my visit it contained about 900 prisoners (more than half of whom were coloured), including about sixty women. The prison is a striking example of the benefits that may arise from freedom and elasticity, when a man of genius is found to conduct the work. Such undoubtedly is the Warden, Mr. John F. Weyler, who has, more than anyone else, developed the institution on its present lines. In his office is a most artistic testimonial, which was got up by the prisoners, and designed at their expense, when he had been ten years in office. It speaks in the warmest terms of his justice and his earnest efforts for their good, and there can be no doubt that the expressions of respect and affection are perfectly genuine. He devotes his life absolutely to his prison duties, scarcely ever taking a holiday even for a single day; and so far he has been unable to find a man who has the needful combination of qualities to be trained as his successor.

A noteworthy feature of the Maryland Penitentiary is that in it the Contract System is made a striking success, not merely financially but in the lives and characters of the prisoners. There being no Labour Laws in that State, the authorities are free

to organise the prison labour as they like, and it is run as a great factory, or collection of factories, with the latest and best labour-saving appliances. There is a power-house, with dynamos working up to 1050 horse-power, which distributes power through the workshops. The boot factory is organised on the most modern lines, and turns out an average of seven and a half pairs of boots per day to each man employed.

The method adopted is somewhat as follows. The contractors supply the materials and patterns required, and pay (say) forty-five cents for making each pair of boots. They have nothing to do with the oversight of the prisoners, for which the Warden is entirely responsible. He plans out the work in tasks, so much being a day's work for a man. The value of this goes to the prison; but whatever a man can do beyond this amount is credited to him; and in this way many of the prisoners earn from eight dollars to twenty dollars per month. The financial success of the institution may be judged from the fact that last year (1903) it not only cost the State nothing, but brought some 23,000 dollars into the State Treasury, and that in the same year the prisoners earned about 25,000 dollars for themselves.

Other industries carried on in the prison are shirt-making and iron-founding. There is also marble polishing, but, at the time of my visit, the great fire in Baltimore had temporarily destroyed the demand for

marble, and most of the men employed at this were idle —and miserable.

The chief danger of the Contract System is that, in the attempt to run a prison for profit, the personality of the criminal may be overlooked, and he may become further demoralised. Mr. Weyler's methods successfully avoid this danger. The returns show not more than 16 per cent. of recidivists; though, as I have previously stated, in the absence of national records this figure cannot be trusted. The men I saw at work showed no signs of demoralisation. Most of them were working as eagerly and strenuously as in any ordinary factory. They are not allowed to talk more than is absolutely necessary for the purposes of their work. Meals are taken in a large room seating 1,000 persons, and no talking is allowed here. They sleep in separate cells very carefully constructed, each with its own sanitary arrangements and electric light. There is a good library of books for reading, but I was sorry to find no schooling nor lectures. The Sunday services are vigorous and are not in the exclusive hands of paid chaplains. They are mainly conducted by Rev. W. C. Stoudenmire, the agent of the Prisoners' Aid Society, Mr. Goldsborough S. Griffiths (who, though now over eighty years old, is still keenly interested in this work), and others. There are, also, Roman Catholic services held at another hour. Both the Warden and Mr. Stoudenmire spoke emphatically as to the value to the men of these services, and of the influences brought to bear on them

individually. Many seemed to be genuinely reformed, and hearty tributes are received as to the lasting benefits derived from these ministrations.

Another prison, excellently managed on somewhat similar lines to the above, is the *Indiana State Prison*, at Michigan City, Indiana, on the eastern shore of Lake Michigan. Thanks to the labours of Mr. Timothy Nicholson and others, the prison and workhouse system of Indiana has been in the past ten years very greatly improved, and few, if any, States now show better results. The State Board of Charities and Correction, of which Mr. Nicholson is a member, and Mr. Amos W. Butler is the able Secretary, has done much to hasten progress, and their efforts are heartily seconded by the Warden of the State Prison, Mr. James D. Reid, who is a humane and enlightened man. The chief defect I noticed is one for which the State is responsible: thirty-five insane prisoners, who ought to have been in a separate institution, were here along with the rest, numbering about 700. I watched a meal taken by the prisoners in a large common dining room, when the order and discipline were excellent. The number of punishments has fallen in two years to nearly half what it was. Here, as in the northern prisons generally, flogging as a punishment is unthought of; humaner methods are found thoroughly effective. The prisoners are provided with an excellent chapel and library, and a

good schoolroom; and they have been allowed to organise a musical band.

The prison labour is conducted much as in Maryland, on the Contract System, the contractor paying, as a rule, so much per day for each prisoner's labour. All the work is, of course, carried on in the prison, and entirely under the oversight of the prison authorities. It is done with the best appliances, the chief industries being shirt-making, the knitting of socks and gloves, wool-spinning and dyeing, chair-making and coopering. The last is very heavy work, but healthy, and was being carried on with much energy. I saw no signs anywhere of shirking or laziness. The Chaplain spoke cheerfully about his work, which is greatly aided by an excellent Parole System, of which I will say more presently.

## The Contract System.

I venture to think that the Contract System, even when well administered, as in these two prisons, has certain weaknesses which may be sources of some danger. It is not easy to see how the charge made to a contractor, whether per man or per piece, is to be so adjusted as to give him no unfair advantage over one who employs free labour. Possibly, if the trades were all as fully organised as the textile industries are with us, this difficulty might be met by consultation with representatives of the associated employers and the

workmen; but, while "protective" views prevail, it would seem that the whole system may be upset at any time if those who think themselves unfairly hit by prison competition can get the law into their hands.*

At the same time, the Contract System, while it lasts, has some obvious advantages. It sets a prison Warden free for his real work. If prison-made goods are to be sold in the open market, the work must almost necessarily be thoroughly organised, that the prison may compete successfully with employers trained to the business. A good Warden can hardly be expected to be also a good *entrepreneur:* he will rarely have had the special training needed, and his powers presumably lie in the direction of dealing with men rather than with things. The Contract System relieves him of the task of organising the business, while leaving the management of the prisoners in his hands. Also, it trains the prisoners in branches of work which may be a source of employment of great value to them on their discharge from prison. The same cannot be said of the primitive hand methods which are used when they work in separation, and when the object is to make a limited quantity of work go as far as possible.

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* The prejudice against prison-made goods is often a thoughtless one, and breaks down when the facts are quietly explained. Mr. Durbin, the Governor of Indiana, told me he had taken a number of labour leaders to see the prisons of the State, and the methods employed; and they fully agreed that employment was necessary for prisoners, and that, therefore, competition could not be avoided.

## Political Appointments.

I found many illustrations of the truth that less depends on the system employed than upon the persons who administer it. If the right man can be found for a post of responsibility, and given a fairly free hand, he may produce striking results, even with an inferior method. But one of the difficulties of getting or keeping "the right man" for the management of American prisons is the practice, which is largely prevalent, but which seems to an Englishman peculiarly idiotic, of making these appointments a part of the spoils claimed by a party which has been victorious at a contested election. Close by the Maryland Penitentiary is the City Jail, containing some 600 prisoners, largely coloured. The condition of things here was widely different from that at the other prison, and I was informed that the late Warden, an excellent man for the work, had been compelled to retire on a change in the balance of parties in the City of Baltimore, and that his place had been taken by one who knew and cared little about prisons, but who was glad of a comfortable berth. It is difficult to conceive any plan more fatal to successful administration than this, and it is to be hoped that the common sense of the American people will, ere long, succeed in altogether eliminating "politics" from these appointments, as it is rapidly doing in several of the most progressive States.

## County and City Jails.

These institutions, designed for the most part for prisoners awaiting trial, and for the serving of short sentences by misdemeanants, are, with little exception, far from satisfactory, even in the Northern States. The best I saw was at Boston. At Indianapolis, and at Cleveland and Mansfield (Ohio), to say nothing of the South, the jails were, for the most part, far from clean, and the prisoners were shut up together, with full opportunity to corrupt each other. Either they had no occupation (at Mansfield they were engaged in playing at cards), or, if employed (as at the House of Correction at Cleveland), they were working in a very half-hearted manner. I was glad to note that at Indianapolis the boys were kept separate from the men, and that the women and boys were put under the care of a Matron, who seemed a competent person. I fear that even these elementary points of good management are by no means universal.

A slight attack of illness prevented my seeing, as I had hoped to do, the working of the prisons of New York and neighbourhood, but I was informed by Dr. S. J. Barrows, of the New York Prison Association, that the causes of the unsatisfactory condition of many of these jails, even in the Empire State, are chiefly: (1) The independence of the counties in prison matters, and the absence of any central organisation; and (2) the Fee system, by which sheriff are paid in proportion to the number of prisoners under their charge. Of sixty-one

counties in New York State, I was told that twenty-seven have abolished the fee system, and show a diminution in the number of prisoners, but thirty-four still retain it.*

## STATE REFORMATORIES.

No English institutions, I regret to say, are to be compared to the great Reformatories which the progressive spirit of the Northern States has established, in the faith (which is now a fact of experience) that a large proportion of the criminal population is, by proper methods, reclaimable. I visited three of these—at *Elmira* (New York), *Mansfield* (Ohio), and *Concord* (Mass.), as well as the reformatory for women, at *Sherborn* (Mass.). At Mansfield I had the privilege of being accompanied by General R. Brinkerhoff, the veteran prison reformer of the State of Ohio. Apart from minor details, the principles and methods of these institutions are essentially similar: the idea being to take the young offenders of the State, between the ages of sixteen and thirty, and subject them to a course of thorough discipline and training, applying every possible inducement that may lead to moral reformation.

* The Ninth Annual Report of the State Commission of Prisons (New York) for 1903 gives abundant evidence of the unsatisfactory condition of many of the County Jails in that State. The Albany County Jail, for instance, is declared to be "unfit for human beings at any time," and "an institution for the manufacture of criminals instead of their reformation." Prisoners awaiting trial are allowed to mingle in idleness with convicted criminals of all degrees of depravity.

The pillars of the American reformatory system are mainly the Indeterminate Sentence and the method of Release on Parole. The essence of the Indeterminate Sentence, as it is applied in practice, is the provision of a *maximum* term of detention, which *may*, if necessary, be enforced, but which may, on the other hand, be greatly reduced if, in the opinion of the authorities of the prison, the individual is fit to be released. In some States, as in Indiana and Ohio, a *minimum* term is also fixed by the Court, which the prisoner must serve in any case. At Elmira the sentences vary from one or two up to twenty years ; but the average term of actual detention is about one and a half years.

It is sometimes objected to this method that the imprisonment actually endured has little or no relation to the crime committed. A man who has been sentenced to twenty years for murder may, if he appears to be thoroughly reformed, be released as soon as one who has had a two years' sentence for theft. I put this objection to Mr. Scott, the Warden at Elmira, who replied that prisoners are sent to the Reformatory as criminals *to be cured*, and not to expiate by punishment a particular offence. His business is to cure, if he can, the criminal tendency, and to let the prisoner go when he considers, in consultation with other authorities, that the cure is complete. On this theory the idea of *punishment* gives place to the protection of society and the reform of the wrongdoer. Another head of a reformatory (Mr. Leonard, at Mansfield, Ohio) said that

the nature of the original offence was taken into consideration by the authorities there, in deciding whether the time had come for an inmate to be released on parole. He believed in punishment, but not as an end in itself. *Vengeance* he considered, had no place at all in a true penal system, but *suffering* was a factor in the natural process by which restoration and renewal were worked out. Punishment, therefore, was a necessary adjunct of the reform of character.

The practice of these institutions appears to me to be in accord with this theory. I looked carefully for anything to justify the common charge that Elmira and the other reformatories that have followed it are "sentimental," and pamper the wrongdoer, regardless of the victims whom he has wronged, and the society whose laws he has outraged. I found nothing. Life in these places is very far indeed from being a perpetual picnic. Discipline is severe and incessant; there is virtually no liberty. Anyone who shirks or sulks comes off badly. Flogging, happily, is not now resorted to; Mr. Brockway, the first Superintendent of Elmira, used it, and came to grief because of it. The present heads find it needless. Mr. Leonard, indeed, told me that he had known a boy's better nature to be reached, and the process of reformation started, by the explanation that it was respect for the manhood that was in him which forbade flogging to be used. A time of solitary confinement, with or without degradation to the lowest grade, is generally found enough to meet the case. I

saw little or nothing of the hang-dog look of the regular shirker; most of the faces were bright and eager.

Mr. Scott, of Elmira, pointed out that a large proportion of the young prisoners who are committed there are *foreign born*. They come over to the States, and, being unused to such liberty as they find there, take advantage of it to secure, in wrong ways, the means of living. They are brought before the Courts, and a touch of life at Elmira soon sobers them. They, and still more their families after them, settle down into useful citizens. There were clear indications that at least 70 per cent. of the cases sent to Elmira were permanently benefited by it.

Mr. Leonard (whose conversation was almost "a liberal education" in penology) told me that three stages could often be noticed in the career of a youth at Mansfield: (*a*) He came expecting to have "a good time," and to be able to take things easy; (*b*) the severity of work and discipline began to pall on him, and he became reckless and defiant; (*c*) he got into trouble with the authorities, began to find it did not pay, and gradually learnt self-control and good behaviour. During the seven years that reformatory had been going only about *twelve per cent.* of those released had violated their parole or come before the Courts again. Some indeed who had won full release had afterwards got into trouble; on the other hand, some who had been returned for violating a first parole had done well on a second trial. Such violations were by no means always due

to bad character; frequently a youth fancied himself stronger than he really was, and found himself unable to bear the strain of temptation.

At Concord (Mass.), where misdemeanants as well as felons may be sent, and where the sentences and periods of detention are consequently shorter than at Elmira, I was informed that at least 73 per cent. turn out well. In fourteen years about 11 per cent. of the inmates had come back; 13 per cent. had been sentenced to other prisons, and 3 per cent. had been lost sight of.

The methods employed at these institutions, though essentially similar, vary in detail. At Elmira much time is given, especially at first, to military drill, and the effects are seen in the comely forms and graceful movements of the inmates, who (by the way) in none of these places wear ugly ill-fitting garments such as one sees on English prisoners. At Concord there is but little drill, the amount of which probably might be increased, with advantage. Bathing is largely used, the arrangements for it being everywhere excellent. Regular lessons are given for some hours of every day to those who need schooling; and a large number of different trades are taught. At Elmira these number about 20, but, as little is done for the State, and nothing may be sold, most of the produce has to be destroyed. At Mansfield the Reformatory was being greatly enlarged by the labours of the inmates themselves, while others were employed on contract at brush-making. At Concord some of the produce is sold, but most used for

State purposes. "Sloyd" is largely taught, and probably might with advantage be introduced elsewhere. Each institution has a weekly newspaper run by the inmates, who numbered at Elmira about 1,500, at Mansfield 650, and at Concord about 840.

As regards Religion, the endeavour is made to cultivate a moral and religious atmosphere rather than to encourage mere emotionalism or much personal expression, especially in the presence of others. The Sunday services are lively and vigorous, and much is clearly done through personal influence by the Superintendents and Chaplains. Mr. W. J. Batt, the venerable Chaplain at Concord, has his whole heart in this work, and knows of much good resulting from it.

The Reformatory for Women, at *Sherborn* (Mass.), which is under the able supervision of Mrs. Morton, contained at the time of my visit about 200 women, more than three-fourths of whom were Roman Catholics, being mostly Irish or of Irish descent. The average age was considerably higher than that of the men, being apparently over thirty. It is impossible to estimate the proportion really benefited by the treatment, but it is certainly much lower than with the men. The industries at the time of my visit included shirtmaking, sewing, knitting and laundrywork, and cooking was about to be introduced. Weaving was found to be too heavy work for most women. There is a considerable farm attached, and in summer the women are employed in gardening and in keeping poultry, an industry which

is very successful. The Doctor and the Chaplain are both ladies; in fact, hardly any men are employed on the place, with the exception of a joiner and two night watchmen. Discouraging as is often the effort to get rid of criminal tendencies in women, the work at Sherborn is undoubtedly far more enlightened and successful than that which is carried on, for instance at Holloway Prison in England.

### Other Reformatories.

I also visited a Reformatory for Girls near *Indianapolis*, where about 200 girls, from the ages of nine to twenty-one, are trained in the same building with some fifty women prisoners, from whom they are, of course, kept entirely separate. The accommodation is quite inadequate, the bedrooms, etc., being overcrowded, and it is to be hoped that a separate institution will shortly be provided. In this, as in some other American institutions, care is taken to prevent dishonesty on the part of tradesmen who supply goods by buying on the "competitive bid" principle, all goods sent in being weighed at the institution. An elaborate system of book-keeping is required, which even in a school of that size takes pretty much the whole time of a lady clerk; but it is probably worth the cost.

The "House of Refuge," a Reformatory for Boys at *Glen Mills*, near Philadelphia, is a remarkably fine institution. About 800 boys are housed in some fifteen houses, built around a spacious "campus" on a plateau

450 feet above the sea, with a beautiful outlook over the surrounding country. Each house contains fifty or sixty boys, and the home feeling is strong. Everything is kept extremely clean and neat; I noticed that the boys even have serviettes for use at meals. Half their time is devoted to schooling, and half to technical training. The gymnasium, lately given by a generous supporter, is one of the finest I have seen anywhere. The rest of the buildings and plant have also been provided by private donations, but most of the current expenses are met by a State appropriation. The management is in the hands of a private Committee.

Under the wise and genial superintendence of Mr. Nibecker excellent results are obtained, 80 or 90 per cent. of the boys turning out well. The appearance of the institution is in striking contrast to the starved and squalid features of most English reformatories.

### The George "Junior Republic."

At this point, a few words may be said about a remarkable institution established at Freeville, near the centre of New York State, by Mr. William George. At the time of my visit, which was during the long and severe frost of last winter, 113 children were present, about two-thirds being boys and the rest girls. There are about eighteen different houses, used for various purposes, all being frame buildings of the cottage type.

The children have, for the most part, a bad record, many being sent there by the Courts. "Fallen" girls are not received. The original features of the institution are that the motto, "Nothing without labour," is rigidly enforced, and that self-government is carried to a point that, with mere children, would appear whimsical were it not a proved success. The place is, as the name implies, a miniature "republic," with laws, legislature, courts, and administration of its own, all made and carried on by the "citizens" themselves. The Superintendent retains, but seldom exercises, the right to veto any law. Courts are held in the evenings, and delinquents, when convicted, subjected to fine or imprisonment. The occupations are schooling, carpentry, printing, and (in summer) a large amount of farm and garden work. There is also sewing for the girls, and a good laundry. The library is a bright attractive room, crowded in the evenings. The tone and spirit of the place appeared to be excellent, and there is much evidence that in many cases strong and independent character is developed in children whose antecedents have been almost hopeless. Sunday services are conducted for the most part by students from the Auburn Theological Seminary, and provision is made for Roman Catholic and Jewish children. Personal expression on religious matters is not encouraged, but there is, undoubtedly, a strong religious influence at work. Self-reliance and respect for law are the virtues chiefly sought after.

## THE PAROLE SYSTEM.

I had much evidence of the excellent results of the Parole System of conditional liberation, as practised in most of the prisons and reformatories of the Northern States. There is urgent need for something of the kind in England. The Committee of the Howard Association, in their Annual Report for 1903, said:—

> At present the prodigious gulf between the fixed machine-like routine of a prison and the freedom of life outside, is quite too much for the average prisoner. He may be well-behaved enough inside, he may even mean to do better; but on his liberation the temptations of his old surroundings too often overcome him at once. It should be one of the aims of enlightened prison administration to cope with this difficulty.

The American States have learnt how to cope with it effectively. The laws of the different States vary in detail, but in most of them careful arrangements are made for the conditional liberation, under the supervision of an appointed Board, of prisoners who, in the judgment of the Board, will not abuse their liberty. At the Mansfield Reformatory young men are prepared for such liberation by being allowed to work on the farm at a distance from the Reformatory buildings, where, in the absence of armed guards, they could easily escape if so inclined.

As a rule the body responsible for the liberation of prisoners on Parole is the Prisons Board of the State. The Board acts on the recommendation of the Warden and Chaplain of the prison, and considers each

case separately. No prisoner is released unless he has previously obtained promise of employment, and he is not allowed to leave or change his post without the knowledge and permission of the Board.* He is obliged to make a written report monthly to the Board or one of its accredited agents, not, as in our system of release on licence, to the Police. In Indiana he is ordered to abstain from the use of liquor in any form and to avoid evil associations and improper places of amusement, to respect and obey the laws cheerfully, and conduct himself in all respects as a good citizen. Besides the written reports, arrangements are made for visits to be paid to paroled prisoners by agents of the Board. The prisoner is assured that the Board have a lively interest in his welfare, and will do all they can to assist him to regain his place in society. If he violates in any way his promise of good behaviour, they have legal power to bring him back at once to the prison or reformatory, where, unless again recommended for trial of liberty, he will have to work out the remainder of his sentence.

At Concord I was present while Mr. Pettigrove, acting for the Board of the State of Massachusetts, interviewed a number of inmates of the Reformatory who were recommended for liberation. In most cases

* Facilities are usually offered by the prison authorities for the finding of employment. At Elmira printed forms are supplied to prisoners for this purpose, and one prisoner will sometimes send out forty or fifty of these before he obtains a post.

the recommendation was complied with, and the youth released with wise words of friendly counsel.

At the Indiana State Prison, out of 908 prisoners released on parole, 481, or 53 per cent., earned full liberty, 179, or 20 per cent., violated their parole and were either returned to the prison or escaped. The remainder were either still under probation or had been discharged from supervision because their term of sentence had expired.

There can, I think, be no question that this method is on the whole effective,* and I earnestly hope that ere long it will be adopted in this country. A beginning has been made in the system of licence, and in the remission of sentence that can be earned through good conduct by prisoners in local prisons. But what is needed is simple legislation empowering the Prison Commissioners, acting through a committee † attached to each local and convict prison, to liberate prisoners on parole at a much earlier stage of their imprison-

* In the first edition of this Report it was stated that the Ohio Parole Law had been repealed. I am glad to learn from General Brinkerhoff, of Mansfield (Ohio), who was the author of the law, that this statement, which was made (as I believed) on good authority, is incorrect. The law has now been working for twenty years, the State of Ohio having been the first in the Union to allow paroles in Penitentiary cases. It has been extended to workhouses, and authorised in a boys' industrial school. "The parole law," says General Brinkerhoff, "in Ohio is no longer an experiment, and has steadily grown in favour until now it is very rare to hear of an objection."

† Under the new "Rules as to Division and Classification" for Convict Prisons, such a Committee is to consist of the Governor and Chaplain, and such members of the Board of Visitors or Discharged Prisoners' Aid Society as the Commissioners may appoint.

ment than is possible at present,—regard being had, not simply to the number of marks earned by the individual in prison, but to all the circumstances of his case, and the use he is likely to make of liberty. Some simple machinery is also required for his supervision and assistance. The Police are unsuited for this work; the local Board, or Committee, should be directed to appoint an agent, or agents, who should be responsible for supervising prisoners on parole, and should be persons who will take a real interest in helping them to retrieve and maintain their character.*

## PROBATION OFFICERS.

"Probation Officers" are needed, not alone for prisoners liberated on parole, but (under a different authority) for the oversight of persons who have been put upon probation instead of being sent to prison at all. The chief weakness of our "Probation of First Offenders" Act is that no person is officially charged with the duty of looking after the offender and helping

* The Ninth Annual Report of the State Commission of Prisons (New York) says:—"The prisoner who serves his full term, and is then discharged, is more likely to return to criminal practices than the prisoner who is released somewhat before the expiration of his term in care of a parole official. As a prisoner is not paroled until the Board is satisfied that somebody is ready and willing to give him employment, he has a much better chance to get along than the ordinary convict. It is almost impossible for an ex-convict to find employment, and, even when he succeeds, he is almost invariably discharged as soon as the fact of his former imprisonment becomes known. If the convicts in our State prisons are to be benefited by their imprisonment, parole before final discharge is almost indispensable."

him or her to better things. The "Youthful Offenders Act" of 1901 empowered the magistrates, in remanding for trial any child or young person, to place him in the custody of some fit person to be named in the commitment, instead of sending him to prison; but no officials were appointed to undertake this duty.

Most of the Northern States have now adopted Probation as a substitute for imprisonment in the case of most young and first offenders. In Massachusetts and New York especially it has been extended to adults; but in the latter State some of the Judges have been slow to avail themselves of it. Massachusetts was the first State to adopt the system, and has carried it further than any other. Everyone speaks of it enthusiastically. According to an Act of 1891 the officers are appointed by the Judges, and for all Courts, lower and higher. Their salaries are part of the Court expenses, but in addition there are, attached to some of the Courts, officers who are either unpaid or maintained from private sources. I had much talk, while at Boston, with Mrs. Tuttle, the principal female Probation Officer attached to the Court House there. She considers that at least 30 per cent. of the girls and women placed in her charge are greatly benefited by probation. Mr. J. M. Ramsay, Chief Probation Officer attached to the High Court at Lowell, Mass., told me he had no fewer than 175 cases under his charge, including some women and girls. He thought at least 60 or 70 per cent. were helped by it, but the time of probation must not be

unduly shortened if good results were to be secured. In doubtful cases a year was none too long, and more was often required. He told me of a number of most satisfactory cures effected, especially in cases of drunkenness. Attached to the Children's Court at Indianapolis I found two paid Probation Officers, both women—one of them the wife of a Professor, having no children of her own. There are also connected with the Courts there a number of voluntary probation officers, some of them being ministers of religion.

Doubtless very much depends on the quality of the men and women selected for this important duty. An unscrupulous officer would have large opportunities of levying blackmail by threatening to ruin his ward's career. Happily, in nearly all cases where it has been used, good men and women have been forthcoming. I need not dwell further on this subject, as it has been recently treated by Miss Hughes, a member of the Committee of the Howard Association.*

## CHILDREN'S COURTS.

The separation of children from adults in Courts of Justice has been tried in several of the States with excellent effects. The moral atmosphere of the Courts is bad for children, and also the publicity of appearing in a crowded Court whether as offenders or as witnesses.

* *The Probation System in America*, by Miss E. P. Hughes. (The Howard Association, 1903.)

New York, Brooklyn, and Chicago are the cities where this method has been most successful. Owing to illness, I was unable to see as much of its working as I had hoped, but I attended the Courts where children's cases were being heard at Indianapolis and also at Boston. At the former place, Judge Stubbs is set apart for the hearing of cases in which the accused are juveniles, and takes quite a fatherly interest in them. On the day of my visit three coloured boys were separately charged with petty offences. Each case was very carefully inquired into, with the result that one was discharged, the second was placed in charge of one of the lady Probation Officers, and the third, who had a bad record, was sent to prison. The last course is one that is but rarely taken.

At Boston separate Judges are not appointed, but the children's cases are taken after the regular Court has adjourned and when the room has been cleared. I thought the Judge and his clerk spoke with some unnecessary harshness, and rather frightened the children; but the method was undoubtedly an improvement on the open Court.

At Baltimore the systems of Probation and special Courts for children have both been tried, but not yet (as I was informed by Mr. Stoudenmire) with full success. The Probation Officers, to be really effective, should be well paid, and the Judge of a Children's Court must have full jurisdiction, and not be compelled to refer one matter and another to the ordinary Courts. Owing to

these and other imperfections in their existing arrangements, he and the Prisoners' Aid Society had not favoured the method; but they were heartily supporting a modified law which they hoped would remove the difficulties.

## SOUTHERN PRISONS.

In most of the Southern States the plan was adopted, soon after the War of Emancipation, of leasing out convicts to private persons or firms who work them for profit, and (except where this has been stopped by law or by the practice of the Prisons Boards) take entire custody of them. This leasing system was the outcome of the difficult situation which followed the Emancipation of the slaves in 1865, when large numbers of them left their employment, and when the whites felt it necessary to resort to means by which they should be compelled to work. It is very strongly rooted among Southern institutions, both because it is apparently cheap to the State and because of the powerful private interests which it creates.

Before going South I spent some days at Washington (D.C.), in order to get as much information as possible that would serve to direct my inquiries into the most useful channels. After calling on the President, who received me cordially, I had several interviews with Mrs. C. O. Keeler, who has long been deeply interested in these matters, and who greatly helped me in some

inquiries (into the practice of Leasing) in the Library of Congress; also with Mr. J. Q. Howard, of that library; with Mr. Macfarland (one of the Commissioners for Washington), and his wife; with Prof. Geo. W. Cook, of the Howard University (coloured); and with several officials in different departments of the Federal Government.

In Georgia and Alabama (which I visited) the convict camps are of two classes,—those of the State and those of the Counties. The former contain felons, sentenced to long terms for serious crimes; the latter mainly misdemeanants, whose terms are comparatively short. Petty misdemeanants and persons awaiting trial are confined in city and county jails.

### State Convict Camps.

The Howard Association has repeatedly, in very plain terms, called attention to the gross abuses that have accompanied the system of leasing out convicts in these States, and I was doubtful what sort of a reception would be given me. I thought it best to go direct to headquarters for information, and was well received even by those who frankly told me that in their view unjust things had been said by the Association, in reliance on untrustworthy reports. The assurance that my Committee felt the weakness of newspaper information, however voluminous, and had encouraged my visit in order to get first-hand knowledge, was usually all that was needed to obtain facilities for

inquiry. I did not, indeed, succeed in obtaining access to printed Reports of official inquiries into the Leasing System; but I was allowed to visit a convict camp in Georgia and another in Alabama, and I questioned permanent officials and members of the Prisons Board in each State (after reading their published Reports), and also obtained interviews with the State Governors, who received me with cordiality. I also secured introductions to a number of influential persons, both white and coloured, and heard their views. I would particularly mention the Hon. Joseph S. Turner, Chairman of the Prison Commission of Georgia, who is genuinely interested in prison reform, and General Evans, another member of the Commission, who is a fine specimen of the Southern aristocracy of the past.

*Georgia.*—I was told that "the State of Georgia no longer leases out its convicts." But on inquiry I found this means that it now retains control of them, instead of entrusting the contractors with their custody. This is a great step in advance, and there is good reason to hope that, so far as the *State* convicts are concerned, it has put an end to the worst abuses.

But the leasing-out still remains, in the sense that the convicts are hired out to contractors who pay about 100 dollars per head per annum, and keep them in camps near their work. (Labour has recently become so valuable that I was informed the price to contractors was about to be doubled.) The industries are saw-milling, the extraction of turpentine, brick-making, and

mining. There are about twenty of these leasing-out camps, and, in addition, the State Farm at Milledgeville whither are sent women, boys, and sickly and aged men. There is as yet no Reformatory for boys, but it is hoped that this may grow out of the Milledgeville farm. The total number of State convicts is about 2,000, of whom 90 per cent. are coloured.* All the officials in these institutions, wardens, guards, and doctors, are appointed by and responsible to the Prison Commissioners, who also appoint inspectors to seethat the rules are observed.

The camp I was able to see is at the Chattahoochee Brickyards, distant about an hour's tram-ride, through forest-covered country, from Atlanta. About 200 convicts are kept here,—a few white, the great majority coloured. Whites are kept apart from negroes, but the mixing of boys with men undoubtedly leads to great corruption. The few buildings, where the convicts sleep and eat, are surrounded by a high wooden stockade, and are all of wood which has once been whitewashed, but now presents a dismal appearance. The principal dormitory (that for the coloured prisoners), like most buildings in the South, is raised high above the ground on wooden pillars, the space below forming a long open shed. In this is a long wooden trough, perhaps 100 ft.

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* In 1902 the number was: white 257, coloured 2,058, total, 2,315. Of these, no fewer than 566 were in prison for murder, 231 for attempted murder, and 221 for manslaughter The rape cases numbered 126, and attempts 100.

long and 2 ft. wide and deep. This is the only bath, and can of course only be used in comparatively warm weather. It looked extremely foul. The bunks, also, in the room above, were very dirty, and placed close together in two long rows down the whole length of the apartment. At one end were two w.-c. pans, with no concealment whatever. In a similar, but smaller, building the white prisoners slept.*

From the stockade I was taken to the brickyards, where the men were working hard. Most had a light chain reaching apparently from waist to ankle, but nearly all of them wore it under their pants and out of sight. At several prominent points guards were stationed, armed with rifles, to prevent escapes. These, I was informed, are infrequent. The white prisoners were young, but looked more hardened than the blacks, and (I was told) give more trouble.

Punishment is inflicted by the Deputy-Warden only, with the whip—which consists of a short stout handle to which is attached a broad thick leather strap about 3 ft. long. It is used, perhaps, on the average, 20 times a month.

The convicts are obliged to work a certain time (or

* In a list of Rules which was handed to me, it is stated that the beds are to be well apart and that a wire netting at least 4 feet high is to be placed between each bed and the next. I called the attention of the Prison Commissioners to the fact that this Rule is not observed, and was informed that it has been repealed by the Legislature. It is extremely important that physical contact between prisoners at night should, if possible, be prevented.

in some cases to do a certain task) for the contractor, and then are allowed to work a while for themselves; and in this way considerable sums may be earned.

From what I could learn, the convict camp I saw may be taken as a fair specimen of those under the direct control of the State of Georgia.

*Alabama.* — The industrial development which is rapidly transforming some parts of Georgia has hardly as yet touched Alabama, and the State is one which feels itself poor. There is a dread of any sort of taxation, which puts a difficulty in the way of those who desire improvements. The Capitol at Montgomery, for instance, though finely situated, is going to pieces for want of repair. The practice of the Legislature is far behind the ideals and policy of many enlightened citizens.

The State of Alabama does not retain such full control of its convicts as does Georgia, but still in part gives their care into the hands of contractors. In the Pratt mines, however, the State has entire control, and this, I was told, is spreading. As contracts expire the State steps in and assumes the management itself. Some of the officers, therefore, in the State Camps are appointed by the Board of Inspectors and some by the contractors, but all must have a licence from the Board. The Board can discharge an officer for misconduct, but it does not always know the character of the licensees. The Board can also annul a contract if the rules are not observed, and this has occasionally been done.

The Chairman of the Board of Inspectors (Mr. Car-

michael) received me kindly and answered my questions on such points as the above. I also obtained information from the Secretary, and from Dr. Shirley Bragg, the Physician Inspector under the Board. I was allowed to see the camp of the Alabama Cordage Company at Riverside, about two miles from Montgomery. It is situated in a dreary swamp, amid a network of railway lines, and is surrounded by a wooden stockade and an enclosure of barbed wire, the entrance being hard to find. It is a small place, started with convict labour only about two months previous to my visit, and is a factory for making ball twine with the best machinery. Thirty coloured women convicts were employed there, six coloured boys and one man, and five white boys. For these few prisoners there were six or more armed guards, all men. The buildings for sleeping and eating were of wood, and looked new and clean. All the beds were constructed to hold two persons each, and were hung by strong wires from the ceiling. The bedding appeared clean. The closets had doors but no ventilation. There were separate bedrooms for the women, coloured boys and white boys. In the factory all were working together.

At Speigner's Farm, fifteen miles from Montgomery, old men, women (white and black), and boys are kept, the classes being separated. Most (I was informed) have to sleep two in a bed, as here. They are supposed to have a hospital, but at that time it was not ready. The only Reformatory is one for white boys at East Lake

near Birmingham, which is sadly hampered for want of funds. There were sixty-eight boys and only forty-five beds. A bill was recently passed providing 25,000 dollars to equip it properly, but was vetoed by Governor Jelks, who cut the estimate down to a nominal sum, barely sufficient to keep it going. For girls, and for coloured boys, there is no Reformatory, nothing but the contaminating life of prison.*

### County Convict Camps.

It is in these camps, situated as many of them are in remote places, where the officers appointed by the contractors have been free to use the prisoners much as they chose, unchecked by any authority, that the most terrible abuses have arisen. A coloured woman who has interested herself for many years in the prisoners, especially in the children, told me the saddest part was that the women prisoners "will keep having babies." The fathers are either guards or other prisoners. How far the women are consenting parties it is impossible to say; but when they are coloured "they have no more idea of resisting any orders of the 'boss' than my dog

* The number of State convicts in Alabama in 1902 was:—Whites: males 214, females 7; coloured: males 1,491, females 97; total 1,809. Percentage of coloured 88. Of these 308 were sentenced for murder, 172 for murder in the second degree, and 226 for attempted murder. The rape cases were 41, and attempts 34. Since this Report was written I have received from the Hon. Warren S. Reese, of Montgomery, the welcome news that steps are to be taken to establish a Reformatory for coloured boys in Alabama.

has of resisting mine." That terrible cruelties and even murders have frequently taken place in these camps, without anyone being punished, is certain.* And the difficulty of reform arises from the independence of the county authorities. The Prison Board of the State can make rules and appoint inspectors; but it has no power to enforce the rules except by annulling a contract—an extreme measure which, as it means ruin to the contractor, is but rarely taken.

In Georgia there appear to be over sixty of these county camps, and the number of misdemeanour convicts in them was, in 1902, about 2,000. In Alabama I have only found the names of seven, with about 900 convicts. There seems to be much jealousy of interference by the State, and the greatest obstacle to reform lies in the fee system, by which, as in many parts of the North, sheriffs and witnesses get fees for every case.

Dr. Shirley Bragg, in his report to the Board of Inspectors for Alabama, says† :—

> Many county convicts are convicted on the most frivolous charges, given a sentence of a few days, with a cost bill extending to the very limit of the law. So universal has this habit become in some sections of the State, that *it would appear that many of these poor unfortunates were convicted principally for the fees.*

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* A certain Deputy-Warden, a rough but apparently good-hearted fellow, told me he had often had to flog women. I asked him how he did it. He said, "By turning her dress back over her head and laying on." But he added that in his State a rule had now been made that women should be flogged over the shoulders. In the County Camps, it should be remembered, such rules can rarely be enforced.

† *Fourth Biennial Report of Board of Inspectors of Convicts, Alabama*, 1901 and 1902.

He goes on to point out that when a county convict is physically unable to perform the work to which he is set, there is nothing but death or the expiry of his sentence to change his position:—

> I see monthly many who are totally unfit to perform the labour for which they are hired—women, little boys, and old men. I have seen little boys dying of tuberculosis, and old men, sentenced on some frivolous charge, dying of senile debility and begging with their last breath to go home.

The Chairman of the Board of Inspectors, in the same Report, endorses this charge, and says:—

> These misdemeanants are carried to the mines without any reference to their physical condition, and many of them die without ever having done an act of labour after they get there.

It will be seen from the above quotations that the authorities in both States are alive to many of the abuses that have occurred and are anxious to put a stop to them. Private influence and the apathy of the Legislatures are hard to overcome.

## County and City Jails.

These institutions in the South are under the same authorities as the county camps, and present in some ways an even sadder picture. I saw three,—at Atlanta and Macon in Georgia, and at Montgomery in Alabama,—probably the best specimens the two States have to show.

I went to the Sheriff for permission to visit the Fulton County Jail at Atlanta. I found him balancing his chair on its hind legs, with his feet on a shelf, and

he talked to me in that position. He readily gave me the permission I asked for, and I went to the jail—a small structure in Butler Street, Atlanta, of stone in front and brick behind. It is four storeys high, and contained at that time 125 prisoners, the number rising sometimes to 250. I noticed that the front gate of the prison was left unlocked, and did not wonder that lynchings are easy. There is a small square central hall with galleries round it, and from these there open iron "cages." Each "cage" has a passage-way with several cells on each side opening out of it. In these cells the prisoners sleep, but in the daytime they loaf up and down the passage-way in the middle, being allowed free access to one another. They have no occupation, and it is too dark to read. As a special privilege, some are allowed, at times, to come out into the galleries. Blacks are divided from whites and women from men. There is some attempt to separate boys from men, but I saw boys of eleven or twelve mixed up with youths of twenty or over. There were several white women, and a good many coloured, and no woman to look after them. The prison is mainly used for persons awaiting trial, the ordinary Court being held once a month, and the superior Court not oftener than once a quarter. Confinement here for several months is therefore not uncommon. Moreover, after trial, a sentence of two months or even more may have to be served here.

That is probably the best jail in Georgia, and Macon was much worse—the jail smaller, the arrangements more

primitive. The boys and men were not in separate cells, but in cages open for communication with each other and with friends coming in from outside. They had no employment whatever. The Courts are held about three times a year, so that prisoners may have to wait four months for trial, or longer if the trial fails. I noticed an attractive looking white girl in a cell by herself (for larceny) and only men to attend to her. Close by, and in full view of some of the cages, is a primitive scaffold, which is used for executions several times a year. The whole place gave one the impression of being back in the Middle Ages.

I did not see the jail at Tuskegee, Alabama, but am told it is extremely bad. I went, however, to see that at Montgomery. I found the officers all in a flutter, as two desperate "safe-breakers" from the North had that morning very nearly effected their escape by sawing through the iron bars of their cage—bars about two inches wide and a quarter of an inch thick. I saw that these bars had been cut completely through in one place, and very nearly in two or three others. Happily the attempt was discovered just in time, and the two prisoners had been taken down and locked in some dark cells intended for coloured prisoners. I agreed with a statement which was made to me that the upper cells were insecure and the lower inhumane. In these horrible dark dens I saw seven little boys, apparently from eight to twelve years of age, who for some petty thefts were put in with grown youths, and with nothing

to do.* Dr. Shirley Bragg told me that in this jail it was not unknown for healthy men to be put in the same bed with consumptive patients.

It frequently happens that the health of prisoners is so completely broken by confinement in these jails that when, after sentence, they are transferred to the camps, they are totally unfit for the labour to which they are put. This is simple cruelty.

## Prison Reform and the Race Question.

The greatest obstacle to prison reform in the Southern States appears to be the indifference of the Legislatures, and the extent to which they are under the influence of persons whose interests lie in maintaining the present system. The Prison Commissioners in Georgia assured me that they have time after time made urgent recommendations to the Legislature, for the adoption, *e.g.*, of the Parole law and Probation, but these are year by year ignored. Judge Jones, of Montgomery, who has made a noble stand for justice and right dealing, told me that, when he was Governor of Alabama in 1890-92, he formed a scheme by which in

* I called the attention of some influential persons to this fact, and received a courteous letter from Mr. W. H. Thomas, Associate Judge of the City Court of Montgomery, pointing out that some of these boys were older than they looked, and had been convicted of previous crimes; but agreeing that they ought not to be confined in the penitentiary, and regretting that so far the State of Alabama has provided no Reformatory for coloured boys. (See footnote, p. 42.)

a few years the system of Leasing would have been abolished in that State, and State Farms substituted; but it was reversed under Governor Oates in the years 1894-6.

I found a number of influential persons in both States, even during the few days I was able to spend there, who are warmly in favour of prison reform; and I endeavoured to interest these (in Georgia by a letter to the chief newspapers, and in Alabama by a private circular) in the establishment of a Prison Association such as has done successful work (under the guidance of Mr. Michel Heymann) in Louisiana. The object of such an association would be to enlighten public opinion and influence the Legislatures. I was glad to note that, while I was in the South, a committee, appointed by the City Council of Atlanta, reported in favour of the adoption by that municipality of a Children's Court, and the system of Probation; also that Judge Fagan, at Birmingham, Alabama, had appointed a coloured preacher as Probation Officer to his Court. I have reason to hope that, before long, a Prison Association may be established in one or both of these States.

The two chief obstacles to reform appear to me to be mistaken ideas (1) as to the true object of a penal system, and (2) as to the inherent criminality of the coloured race.

(1) The rooted idea in the South is that a penal system should be so worked as to bring profit (in dollars) to the State, and that he is the best Chairman of a Prisons Board who will show, as if he were chairman of

a trading company, the largest immediate return. This idea is, of course, the logical outcome of a prison system designed "to make the niggers work." It can only be overcome by getting clearly into the minds of those who hold it (*a*) that a system which hopelessly demoralises the young (apart from any physical cruelty) is inhumane and unchristian; (*b*) that a system which creates criminals, and hardens them in lawless ways, is in the long run expensive to the State, whatever immediate profits it may show; and (*c*) that it pays the State to spend freely in preventing demoralisation. These truths lie at the root of prison reform, and are amply verified by the experience of all progressive States. It would be the part of a Prison Association to make the facts known, and to instil sound ideas into the minds of the tax-payers. Unhappily, numbers of well-meaning people, ministers of religion, and others, are satisfied with the reflection that "things have greatly improved," and with the easy assumption that, in ten or twenty years, all will come right of itself. The experience of other States shows that it will only come right if enlightened reformers are earnestly at work.

(2.) The idea that the negro as such is inherently worthless is so much the outcome of the historical relations between the races, that it seems almost hopeless to overcome it. It appears to dominate the minds even of intelligent people to such an extent that facts can, with difficulty, dislodge it. And in so far as it is really held, it means that, in the view of these good

people, it is sheer waste to spend money in trying to reform negro criminals. It is professed by many who ought to know better.* Thus a prominent official in Alabama told me that IN FOURTEEN YEARS HE HAD KNOWN JUST TWO CASES OF NEGRO PRISONERS BEING TURNED INTO GOOD CITIZENS—an indictment of the Leasing System stronger than he probably intended to make, and all the more telling for being involuntary. Another assured me that Mr. Booker Washington's work at Tuskegee was only making criminals. Whenever a "nigger" was educated he refused to work, and began to commit forgery or other crime. No pure nigger had brains that were good for anything, and to teach him made him perfectly worthless. An influential gentleman in Georgia, who had been opposed to the Leasing System, said (more cautiously) that he had come to regard it as a necessity *for the lower class* of negroes, whom he believed to be incapable of reform, and fit only for slavery.

The one sufficient answer to these allegations (if the Christian doctrine of the worth of man as man is scouted as "sentiment") is to be found in facts. The United States census of 1890 gives 33,994 negroes in the United States engaged in professional services. Mr. E. Gardner Murphy, a white Southern gentleman greatly interested in education, informed me that there

* I am convinced that some of these do know better, but speak in this way of the coloured race through fear of being supposed to lack loyalty to their own people, or to favour "social equality."

are 730,000 farms in the United States of America operated by coloured people, and 150,000 owned by them. In 1899, the fourth Conference at Atlanta University, Georgia, published a careful study of "The Negro in Business," giving returns from 1,906 negro business men owning a capital of $5,700,000—over £1,000,000. "The College-bred Negro" is the title of another study made in 1902, under the direction of Atlanta University, and reports 557 college-bred negroes known to the compilers as owning real property, assessed to the value of $1,342,862. Mr. Booker Washington (who most kindly entertained me at Tuskegee, where the noble institute he has raised for the training of coloured youth of both sexes is beyond all praise) reports as follows:—

Not a single graduate of the Hampton Institute, Virginia, or of the Tuskegee Institute, Alabama, can be found to-day in any jail or State penitentiary. After making careful inquiry, I cannot find half-a-dozen cases of a man or woman who has completed a full course of education in any of our reputable institutions, like Hampton, Tuskegee, Fisk or Atlanta, who are in prisons. The records of the South show that 90 per cent. of the coloured people in prisons are without knowledge of trades, and 61 per cent. are illiterate. This statement alone disproves the assertion that the negro grows in crime as education increases. . . . . .

In Georgia the official records show that the negroes added last year $1,526,000 to their taxable property, making the total amount on which they pay taxes in that State alone $16,700,000.

One of the largest manufacturing concerns in Birmingham, Alabama, keeps a standing order at the Tuskegee Institute to the effect that it will employ every man who graduates from our Foundry department.*

* From *Negro Education Not a Failure*, by Booker T. Washington Address delivered in New York, February 12th, 1904.

Of the twenty-eight teachers at our school at Tuskegee who applied for life-voting certificates under the new constitution of Alabama, not one was refused registration, and, with few exceptions, the 2,700 who have been registered as voters represent the best negroes in the State.*

I have felt it needful to give this evidence at length because it is usual for any opinion by an Englishman to be discounted in the South, on the grounds that he knows nothing of the facts. The point I am aiming at is to prove that it is worth while to spend money in the effort to train the coloured race, and to reform them when they have gone astray.†

## The Leasing System.

The Leasing System is defended by some on the ground that outdoor labour is essential for the health of prisoners in the South, and that this is the best way to secure it. The alternatives would be State farms, or the employment of prisoners on the public roads. The first of these is thought expensive, and the latter undesirable, as giving the convicts too much publicity. There is probably much truth in the view that outdoor work is necessary, and this is indicated by the miserable record of the county and city jails. In view of what I saw at Baltimore and elsewhere, I should not like to say that some form of the Contract System may not be so used as

* From *The Fruits of Industrial Training*, in the *Atlantic Monthly*, November, 1903.

† For further evidence, see the Appendix.

to secure the proper care of prisoners, and offer chances for their moral elevation. What is essential is that the State should recognise its responsibility for this, and be willing to place it, as the chief object to be sought for, in front of supposed pecuniary gain. There is no doubt in my own mind that one chief reason why the Leasing System survives is that it is thought to be "plenty good enough for niggers." A prominent gentleman in Atlanta, whom I have already quoted as upholding it, significantly said to me that *there would be no such system if all the prisoners were white.*

## PEONAGE.*

I made inquiry, as opportunity offered, on the way in which the convict system of the South has recently been utilised by certain unscrupulous persons to obtain what is practically slave labour. The Hon. Warren S. Reese, who acted as prosecuting Attorney for the United States in the peonage trials in Alabama, and Judge Jones, whose charge to the Grand Jury was a model of clear reasoning and fearless application of sound principle, both gave me much information. No printed

* "Peonage" is a name for a condition of virtual slavery under the forms of law, rendered possible by the helpless economic position of many of the blacks and "poor whites" in the Southern States. A person is charged with vagrancy or crime; a fine is imposed; the accused being unable to pay, some one comes forward and pays it on condition that the accused signs a contract to work for him for a certain period. He is then to all intents and purposes a slave.

report or record of the trials could be obtained except such as had appeared in the newspapers, which I read. No fewer than sixty true bills had been found by the Grand Jury in Alabama in indictments for peonage, but most of those who were guilty appear to have acted in ignorance of the United States law which they were breaking.* Judge Jones, in his charge, showed clearly that the State law, in reliance on which they had acted—a law facilitating the imposition of binding contracts or indentures—was contrary to the constitution, not alone of the United States, but of the State itself.

The practice has probably not been altogether stopped, but the trials have had a good effect, and aggravated cases, I am assured, are not likely to occur again. The ignorance and weakness of the lower class of negroes and "poor whites" will continue to make virtual slavery possible, especially in remote places. Unscrupulous persons, who desire to exploit their labour, find an instrument ready to their hand in the county camps and the fee system, where Sheriffs and Judges have a pecuniary interest in increasing the number of prisoners.

A single case will show what has been possible. At

* It is perplexing to an outsider to find two different bodies of law and Government, those of the State and those of the Union, in operation together, especially when, as often happens in the South, the two are administered in a spirit of antagonism to each other. I was told that the State authorities put many obstacles in the way of the prosecutions for peonage.

a town in Alabama, two years ago, twelve white men were seized, condemned, and sent to the mines as convicts, without ever seeing a Judge. The Sheriff, a brutal and corrupt man, was in need of money, and had agreed, so it is said, to share the fees with the Judge. These men were walking through the town, and were arrested as vagrants. Some of them really were tramps, but not all. The Judge, who had never seen them, issued sentences which were put at once into execution. The case happened to attract the attention of a certain architect, who noticed that one of the men was wearing eye-glasses, and reported it to the *Montgomery Advertiser*. The newspaper took it up, and the Governor sent down an inspector. The men were released, and the Sheriff punished, but there was no legal evidence against the Judge.

The position taken by Judge Jones, in the face of wholesale calumny, is worthy of all praise. He fought for the South in the great war, and was wounded; and charges of disloyalty to his section were felt by all decent citizens to be "too thin." The newspapers happily stood by him. One case will show the stuff of which he is made. When he was Governor (1890-92) the Physician Inspector to the Prisons Board, who was under the influence of certain contractors, refused to obey his orders to remove some convicts who were suffering from typhoid, having discovered that the Governor had no legal power to compel him. Jones replied, "Well, you have me there; but I have power to

release any prisoner I choose; and, if they are not removed in thirty-six hours, I shall pardon them all." The prisoners were removed.

## LYNCHING.

One object of my visit was to make inquiry into the causes of lynching. This I did incidentally rather than directly, as opportunity offered. Besides the interviews with State Governors already mentioned, I was privileged to have an interview with President Roosevelt, in which I thanked him, on behalf of my committee, for the noble stand he has made for justice and right dealing between the races, and received his assurance of cordial interest in our work. I also had a useful talk with Mr. George P. Upton, of Chicago, who for many years collected all available statistics on the subject of lynching for the *Chicago Tribune*.

In summary form the chief conditions that lead to lynching appear to me to be:—

(1.) *A scant respect for human life*, especially when coloured. I have previously shown (p. 38) that nearly half the State convicts in Georgia are in prison for murder (actual or attempted) or for manslaughter. In Alabama the proportion is nearly the same. It appears that most men in the South carry firearms, and a little provocation is only too apt to bring these into use.

(2.) *Race prejudice*, and consequent disbelief in the virtue of the coloured race. Ministers of religion, even,

told me quite calmly that they considered terror to be the only force that would keep the negroes in their place, and show them the futility of their aspirations for "social equality." It is here we find an explanation of the frenzy of passion excited by occasional crimes committed by negroes against white women. Such crimes are believed by many of the whites to be due to a determination on the part of the blacks to be their social equals.

Among contributory causes may no doubt be placed:—

(3.) *Assaults on white women.* The place given to this in speeches and articles excusing lynching is altogether mistaken. Not rape, but murder, is the crime of the South.*

Mr. Upton showed me that of 2,849 persons lynched —from the beginning of 1885 to the autumn of 1903— 561 were lynched for rape. Adding the cases of attempted, alleged and suspected criminal assault, of complicity, and of criminal assault with murder, we have a total of 697 cases, or 24½ per cent. The number of cases in which murder was the crime charged against the victims was 1,260, or 44 per cent.† It will be seen,

* For rape (actual or attempted) the proportion of convicts is in Georgia, 10 per cent., in Alabama 5 per cent.

† I was solemnly informed by a minister of religion in Alabama, as an indisputable fact, that 90 per cent. of all the lynchings in that State were for crimes committed "by negro brutes upon white women." Mr. Upton kindly took out for me all the figures for Alabama, which showed that in that State, as in the Union at large, the proportion lynched for crimes against women (white or coloured) is only 24 per cent.

therefore, that not rape but murder is the crime that causes lynching.

(4.) *The slowness and uncertainty of the law.* This is a reason often given for lynching, and doubtless it has a place. But in the South not many *coloured* criminals escape. Booker Washington states that in Virginia the official records show that in one year one white prisoner out of every three and a-half was freed by executive clemency, while only one out of fourteen negroes received such release.*

(5.) *The bad construction of the county jails,* which in some cases almost invite attacks from the mob. (See p. 44.)

(6.) *The demoralisation caused by the convict system of the South,* which every year turns out men hardened in vice and crime.

(7.) *A morbid desire for notoriety* caused by reading sensational accounts of lynching. There is much evidence to show that, just as public executions tended to increase the number of murders, so these flaming accounts of murder, torture and burning by mobs, tend to increase the crimes that lead to lynching.† So far from terrorism putting a stop to them, it appears to do the opposite. True it is that Satan does not cast out Satan.

There are, happily, signs that a healthier feeling on this matter is spreading in most of the Southern States.

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* *Negro Education not a Failure*, p. 7.

† My attention was specially called to this by Mr. Josiah W. Leeds, of Philadelphia.

Lawlessness is increasingly felt to be a mark of barbarism and a cause for shame. An address given at Birmingham (Alabama) in April last, by Bishop Galloway, of Jackson (Miss.), is a fair specimen of many wholesome utterances by religious and social leaders :—

I give it as my deliberate judgment that there is never an occasion when the resort to lynch law can be justified. However dark and dreadful the crime, punishment should be inflicted by due process of law. Every lyncher becomes a law despiser, and every law despiser is a betrayer of his country. The lynching spirit, unrestrained, increases in geometrical progression.

The speaker went on to urge the education of the negro as the most hopeful cure for the criminal tendencies which admittedly prevail among those who are neglected :—

The horrid crimes which furnish an apology for the too frequent expressions of mob violence, almost without exception are committed by the most ignorant and brutal of the race. I have been at not a little pains to ascertain from representatives of various institutions the post-collegiate history of their students, and I am profoundly gratified at the record. I believe it perfectly safe to say that not a single case of criminal assault has ever been charged on a student of a mission school for negroes.founded and sustained by a great Christian denomination.

The Jackson (Miss.) *Evening News* recently said :—

Where this crime of lynching is going to end, what troubles and disasters this open defiance of law, both human and divine, will bring in its bloody trail, no one can foretell. Every intelligent person in the State knows that this form of lawlessness is debasing the public conscience.

And the *Baltimore News* lays its finger on one of the causes when it points out that the convict system of the South " breeds cruelty and vice." It says :—

No prisoner should be entrusted to the tender mercies of an

exploiter in a remote camp, unchecked by the supervision of conscientious officers of the law.

If lynching and the crimes that are held to excuse it are to be stopped, the conscience of the Southern communities must be awakened, as those of their best representatives already are, not alone to the fundamental claims of humanity, but to the need for education and prison reform.

THE END.

# APPENDIX.

## IS THE NEGRO CRIMINAL CAPABLE OF REFORM?

**In June, 1904, I sent out the following circular letter to a number of Wardens of State Prisons and Reformatories in the United States, where both white and coloured prisoners are received, and where reformatory methods are more or less employed:—**

DEVONSHIRE CHAMBERS,
LONDON, E.C.
*June 23rd*, 1904.

DEAR SIR,

During a recent visit to the Southern States, I was informed by some persons, whose opinion is entitled to respect, that for coloured criminals, as a rule, any methods of treatment which aim at the reform of character are useless. I should be grateful if you could supply me with the means of testing this statement by answering, if possible, the following questions:—

(1.) What number of prisoners were under your care on December 31st, 1903—(*a*) white; (*b*) coloured; and how many of each class are known to have served previous sentences?

(2.) What is your opinion as to the proportion of white and coloured prisoners who appear to be capable of receiving benefit from imprisonment?

(3.) Are Reformatories for youthful coloured criminals less useful than for whites?

(4.) Have you any other figures available which would help to elucidate the matter?

Trusting I shall not be troubling you too much by this inquiry, and thanking you in anticipation for your reply,

I am, yours faithfully,
EDWARD GRUBB.

To this circular I received ten replies, in five of which the figures asked for in the first question were fully given. As they must have required considerable time to obtain, my thanks are particularly due to those who have been good enough to take this trouble for me.

To Question 1, the replies are found in the following table, with the results reduced to percentages. It will be observed that *in every case* the percentage known to have been previously convicted is *lower* in the case of

| Prison or Reformatory. | Number of Prisoners Dec. 31st, 1903. | | Known as having previous Convictions. | | Percentage previously Convicted. | |
|---|---|---|---|---|---|---|
| | White. | Colored. | White. | Colored. | White. | Colored. |
| Connecticut (Wethersfield) .. | 438 | 47 | 51 | 5 | 11·7 | 10·7 |
| Indiana (Michigan City).. .. | 631 | 141 | 318 | 65 | 50·4 | 46·1 |
| „ (Jeffersonville).. .. | 743 | 211 | — | -- | — | — |
| Kansas (Fort Leavenworth) .. | 640 | 278 | 91 | 36 | 14·2 | 13·0 |
| Maryland (Baltimore) .. .. | 357 | 576 | — | — | — | — |
| Massachusetts (Charlestown) .. | — | — | — | — | — | — |
| „ Reformatory (Concord) | 895 | 32 | — | — | — | — |
| New York (Sing-Sing) .. .. | 1,037 | 142 | 472 | 22 | 45·5 | 15·5 |
| „ Reformatory (Elmira) | — | -- | — | — | — | — |
| Pennsylvania Reformatory (Huntingdon) .. .. .. | 518 | 95 | 165 | 28 | 29·9 | 29·5 |
| Total .. .. .. | 5,259 (3,264) | 1,522 (703) | 1,087 | 156 | 33·3 | 22·2 |

coloured criminals than in the case of whites; and the total percentage is only two-thirds that of the whites. The records of previous convictions are, as has been

pointed out (page 9), imperfect; but this fact would hardly tell in favour of coloured prisoners.*

Small as the basis is on which these figures are taken, there can, I think, be no mistaking their significance. They seem clearly to prove that the coloured criminal is no more inherently irreclaimable than the white. The expressions of opinion given in answer to Questions 2 and 3 are to the same effect.

In answer to Question 2, I may quote the following:

Mr. W. H. Whittaker, Superintendent of the Indiana State Reformatory, Jeffersonville, says :—"I have not found that the negro prisoners are less capable of receiving benefit from reformatory jurisdiction than are men of other nationalities." He goes on to state that, of 245 white men paroled in one year, 53 (or 21 per cent.) violated their parole or became delinquent. Of 54 coloured men paroled in the same period, 10 (or 18 per cent.) proved similarly unsatisfactory.

Major McClaughry (Fort Leavenworth, Kansas) says :—"My opinion is that, taking into account the history and conditions of the races for the past two hundred and fifty years, colored prisoners are as capable of receiving benefit from imprisonment of a reformatory character as white prisoners."

Rev. W. C. Stoudenmire, Secretary of the Maryland Prisoners' Aid Association, says :—"Surely a greater proportion of the whites are capable of receiving the benefits of prison than of the coloured, largely because of the lack of inherent mental and moral bases and principles, as well as the lack of wholesome and helpful surroundings, of proper mental and moral training, and of good and

* The smallness of the proportion of "recidivism" is the best general test of the success of a prison system; it should, however, be noted that, while it appears fair to use it as between white and coloured in the same prison, it would not be fair to compare one prison with another on this basis. For one prison (*e.g.*, Michigan City) may be chiefly used for more serious cases, another for first offenders, and so on.